

## PATENT

**REMARKS****DISCUSSION OF SPECIFICATION**

The paragraph in the Cross-Reference to Related Applications has been amended to incorporate the current status of a related application.

The paragraph that begins on page 5, line 7 has been amended in response to the objection that the specification fails to provide proper antecedent basis for the claimed subject matter. The specification has been amended to include the subject matter pertaining to claim 5: method of manipulating the identifier on the lead before it is advanced to the intended site.

The paragraph that begins on page 10, line 24 has been amended to correct an inadvertent typographical error. In particular, on page 10, line 4, "202" has been replaced with --222--.

Acceptance of the amended specification is respectfully requested. New matter has not been added to the specification.

**DISCUSSION OF CLAIMS**

In the Office Action, the specification is objected to as failing to provide antecedent basis for the claimed subject matter.

In the Office Action, claims 1, 5, and 9 are rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 4,401,127 to Littleford.

In the Office Action, claims 5 and 9 are rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,489,275 to Thompson et al.

In the Office Action, claim 1 is rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,489,275 to Thompson et al.

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In the Office Action, claims 2, 6, and 10 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

In response thereto, claims 1, 2, 5, 6, 9, and 10 have been amended and new claims 13-15 have been added. Accordingly, claims 1, 2, 5, 6, 9, 10, and 13-15 are now pending. Following is a discussion of the patentability of each of the pending claims.

Preliminary Matter

During a telephone conversation with Mr. Derrick Reed on September 21, 2004, a provisional election was made to prosecute the invention of embodiment 1, claims 1, 2, 5, 6, 9, and 10. Affirmation of this election is made by Applicants. Claims 3, 4, 7, 8, 11, and 12 are withdrawn from further consideration by the Examiner as being drawn to a non-elected invention.

Independent Claim 1

Claim 1 recites a method of implanting an implantable cardiac lead for a cardiac stimulation device. The method comprises advancing the implantable lead to a site, and, after advancing the implantable lead, manipulating an identifier on the implantable lead in a manner based on the site. The identifier refers to at least one of a right atrium, right ventricle, left atrium, and left ventricle.

The Littleford reference discloses a method and apparatus for inserting pacing electrodes into the right heart and thereafter stabilizing the electrodes. According to the Littleford reference, a curved or "J" electrode engages the right atrium in a stable manner when the electrode is oriented in a predetermined direction and manner during insertion through the right subclavian vein. In one embodiment, an orienting and stabilizing means comprises a wing extending laterally from a sheath. The lateral direction of the wing indicates the orientation of the curve or bend at a distal end of the electrode. One side of the wing is provided with means for indicating which side of the

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wing should be facing away from the patient. The desired orientation is obtained when the wing lies flat against the patient's skin with an "up" indicating proper positioning. Nowhere does the Littleford reference disclose or suggest an identifier referring to at least one of a right atrium, right ventricle, left atrium, and left ventricle. Proper orientation of the electrode is indicated with an "up" indicator.

The Thompson et al. reference discloses a catheter assembly having a distal end adapted for insertion into a body and a proximal end adapted to remain external to the body. The catheter is intended for temporary diagnostic or therapeutic applications and is not intended to be used as a permanently implantable electrode, whereas claim 1 of the present application recites an implantable cardiac lead for a cardiac stimulation device.

Accordingly, it is respectfully submitted that claim 1 is in condition for allowance.

Independent Claim 2

In the Office Action, claim 2 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. In response, claim 2 has been rewritten in independent form including all of the limitations of base claim 1. It is respectfully submitted that amended claim 2 is in condition for allowance.

Dependent Claim 13

Claim 13 depends from claim 2 and is similarly patentable. Accordingly, it is respectfully submitted that claim 13 is in condition for allowance.

Independent Claim 5

For at least the same reasons discussed above with regards to claim 1, it is respectfully submitted that claim 5 is in condition for allowance.

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Independent Claim 6

In the Office Action, claim 6 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. In response, claim 6 has been rewritten in independent form including all of the limitations of base claim 5. It is respectfully submitted that amended claim 6 is in condition for allowance.

Dependent Claim 14

Claim 14 depends from claim 6 and is similarly patentable. Accordingly, it is respectfully submitted that claim 14 is in condition for allowance.

Independent Claim 10

In the Office Action, claim 10 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. In response, claim 10 has been rewritten in independent form including all of the limitations of base claim 9. It is respectfully submitted that amended claim 10 is in condition for allowance.

Dependent Claim 15

Claim 15 depends from claim 10 and is similarly patentable. Accordingly, it is respectfully submitted that claim 15 is in condition for allowance.

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**CONCLUSION**

In light of the above claim amendments and remarks, it is respectfully submitted that the application is in condition for allowance, and an early notice of allowance is requested.

Respectfully submitted,

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Date

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